

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:20-CR-19  
(KLEEH)

WILLIAM MAYLEN CRAYTON, II,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 56] AND  
DENYING PRO SE MOTIONS AS MOOT [ECF NOS. 47, 50]

---

On May 18 and 20, 2022, Defendant William Maylen Crayton, II ("Defendant") filed pro se motions for return of funds [ECF Nos. 47, 50]. Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred the motions to United States Magistrate Judge Michael J. Aloï (the "Magistrate Judge") for a Report and Recommendation. The Government filed a response on July 6, 2022. On July 7, 2022, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the Court deny both motions as moot Defendant had received the funds at issue.

The R&R informed the parties that they had fourteen (14) days from the date of filing of the R&R to file "specific written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection." It further warned them that the "[f]ailure to file written objections . . . shall constitute a waiver of de novo

USA V. CRAYTON

1:20-CR-19

**ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 56] AND  
DENYING PRO SE MOTIONS AS MOOT [ECF NOS. 47, 50]**

---

review by the District Judge and a waiver of appellate review by the Circuit Court of Appeals." Defendant accepted service of the R&R on July 12, 2020. To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 56]. Defendant's pro se motions are **DENIED AS MOOT** [ECF Nos. 47, 50].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record via email and to Defendant via certified mail, return receipt requested.

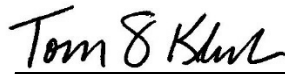
DATED: August 1, 2022

USA V. CRAYTON

1:20-CR-19

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 56] AND  
DENYING PRO SE MOTIONS AS MOOT [ECF NOS. 47, 50]

---

A handwritten signature in black ink, appearing to read "Tom S. Klee".

---

THOMAS S. KLEE, CHIEF JUDGE  
NORTHERN DISTRICT OF WEST VIRGINIA